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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEILANI JIMENEZ, individually, and as
successor-in-interest for Decedent DENNIS
JIMENEZ; J.J., a minor, by and through his
guardian ad litem Leilani Jimenez; D.J., a
minor, by and through her guardian ad litem
Leilani Jimenez, and DENNIS JIMENEZ, Jr.
an individual,

Plaintiffs,

v.

COUNTY OF ALAMEDA, a municipal
corporation and DOES 1-50, individually,
inclusive;

Defendants.

) Case No.: C 13-04620 CRB

) **STIPULATION RESETTING DATE**
) **FOR HEARING ON DEFENDANTS'**
) **MOTION FOR PARTIAL SUMMARY**
) **JUDGMENT, RESETTING DATES**
) **FOR EXPERT DISCLOSURE AND**
) **DEPOSITIONS AND SETTING**
) **DATES FOR SUPPLEMENTAL**
) **BRIEFING FOR MOTION AND**
) **ORDER**

STIPULATION

WHEREAS, Defendants in the above-entitled action originally filed a Motion for Partial Summary Judgment in this action that was originally noticed to be heard by the Court on August 14, 2015 at 10:00 a.m. (Docket #35)

WHEREAS, on October 5, 2015, the Court denied defendants' motion without prejudice in order to give plaintiffs' counsel an opportunity to take the depositions of two inmate witnesses, whose testimony counsel felt is necessary to permit him to oppose the defendants' motion. (Docket #54)

WHEREAS, after completion of additional discovery, Defendants refiled their motion with a hearing date of February 19, 2016. (Docket #61)

WHEREAS, on February 11, 2016, the Court vacated the February 19, 2016 hearing date on defendants' motion and set a Case Management Conference for that date to consider plaintiffs' counsel's request for expert disclosure and discovery. (Docket #71)

WHEREAS, on February 19, 2016, the Court reset the date of defendants' motion for June 10, 2016 and set deadlines for expert disclosure and discovery. (Docket 72)

WHEREAS, defense counsel's legal assistant has been on an extended personal leave since December 2015, which has caused problems with calendaring and scheduling and made his management of his case load much less efficient and much more time consuming.

WHEREAS, shortly after the Court's February 19, 2016 order was issued, defense counsel's workload was severely increased by discovery and pleading deadlines in three new case assignments, numerous lay and expert witness

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depositions in a case set for trial in early April (resolved by settlement on April 8) and preparation of a motion for summary judgment in a complex multi-party case that was due March 30, 2016.

WHEREAS, defense counsel had not retained an expert in this matter prior to the Court's February 19, 2016 order. Since that date, he has made numerous attempts to retain a qualified expert who is available to review and consult with counsel on this action, but was unsuccessful until April 6, 2016.

WHEREAS, plaintiffs' counsel, who had retained an expert in this action before the defendants' motion was originally filed in 2015, has complied with the Court's order regarding expert disclosure and production of an expert report, but defense counsel is not yet prepared to depose plaintiffs' expert or to offer and expert report of his own.

WHEREAS, both the plaintiffs' expert and the Defendants' expert are located outside of the State of California, which will make scheduling of their depositions more difficult.

WHEREFORE, counsel hereby stipulate and jointly request that the date for hearing defendants' motion for partial summary judgment be reset to August 5, 2016 at 10:00 a.m., or such later date that is convenient to the Court's calendar, and that the following pre-motion deadlines be set:

Defendants' expert disclosure due April 29, 2016;

Defendant's expert report due May 20, 2016;

Plaintiffs' and Defendants' expert depositions be completed by June 24, 2016 based upon cooperative scheduling;

Plaintiffs' supplemental opposition to Defendants' motion shall be served and filed by July 8, 2016;

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1 Defendants' reply to plaintiffs' supplemental opposition shall be served
2 and filed by July 22, 2016.

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4 IT IS SO STIPULATED.

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6 **LAW OFFICES OF JOHN L. BURRIS**

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8 Dated: April 22, 2016

By: /s/ Ben Nisenbaum, Esq.

Ben Nisenbaum

Attorney for Plaintiffs

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12 Dated: April 14, 2016

BOORNAZIAN, JENSEN & GARTHE

13 By: /s/ Gregory J. Rockwell, Esq.

Gregory J. Rockwell, Esq.

Attorneys for Defendants

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18 **ORDER**

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20 PURSUANT TO THE FOREGOING STIPULATION, good cause having been
21 shown, the date for hearing the Defendants' Motion for Partial Summary Judgment is
22 reset to August 5, 2016 at 10:00 a.m., and the parties are ordered to comply with the
23 following pre-motion deadlines:

24 Defendants' expert disclosure due April 29, 2016;

25 Defendant's expert report due May 20, 2016;

26 Plaintiffs' and Defendants' expert depositions be completed by June 24,
27 2016 based upon cooperative scheduling;

1 Plaintiffs' supplemental opposition to Defendants' motion shall be served
2 and filed by July 8, 2016;

3 Defendants' reply to plaintiffs' supplemental opposition shall be served and filed by
4 July 22, 2016.

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6 **IT IS SO ORDERED.**

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8 Dated: April 20, 2106



Honorable Charles R. Breyer
UNITED STATES DISTRICT JUDGE